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August 7, 2020

BY EMAIL AND
CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Evelyn Rivera-Ocasio, Esq.
Assistant General Counsel
Caribbean Environmental Protection Division
U.S. Environmental Protection Agency, Region 2
City View Plaza II, Suite 7000
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Guaynabo, Puerto Rico 00968-8069
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Re: Administrative Compliance Order CWA-02-2020-3106
Palmas de Cerro Gordo Development Pump Station
Amended Plan

Dear sister counsel Rivera-Ocasio:

Estancias de Cerro Mar, Inc. (“Estancias”) hereby respectfully submits its amended plan (the “Plan”) with a schedule of the proposed technical work to be performed to the Palmas de Cerro Gordo Development Pump Station (the “Pump Facility”) in order to: (a) prevent sanitary sewer overflows (“SSO”) from occurring at the Pump Facility, and (b) continue to ensure that the Pump Facility is not the direct cause of any SSO’s occurring at the wastewater sewer collection systems owned and improperly operated/maintained by the Puerto Rico Aqueduct and Sewer Authority (“PRASA”) for the Villa Alegria and Palmas de Cerro Gordo residential developments that discharge into the Pump Facility. See, Attachment 1. Environmental Protection Agency (“EPA”) requested an amended plan in its letter dated July 31, 2020 under the referenced Administrative Compliance Order (“the Order”).

Estancias submits the Plan on behalf of itself, and as the agent for and on behalf of PRASA, the latter which is the lawful owner of the Pump Facility and which has rejected assuming title to the Pump Facility during two (2) decades of bad faith dealings. Further, Estancias submits the Plan in its endless efforts to act in good faith and as a good corporate citizen in the face of continued acts of inequity and acts that are arbitrary, capricious and contrary to laws applicable to PRASA and the EPA. Estancias does not

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make any admission of fact or law, or evidence of same, or of any violation of any permit, law or regulation, and does not submit to the jurisdiction of the EPA. The fact is that Estancias has remained in compliance with the CWA and that EPA has no factual or legal basis whatsoever to issue the Order as evidenced from the lack of overflows even during the recent extraordinary rainfall of Tropical Storm Isais.

Estancias proceeded with activities under the original plan and continues implementing such activities to date as practicable under the circumstances. In the unexpected event that the EPA desires further steps, we invite it to provide its technical recommendations to the Plan. And, we are available to perform a site inspection of the Pump Facility.

Based on the foregoing, Estancias hereby requests that EPA acknowledge Estancias' timely and full compliance with the relevant Ordered Provision, as thereafter amended by the parties.

Cordially,

/s/Thomas Trebilcock Horan

c: Mr. Héctor Ortiz (EPA)
Mr. Angel Meléndez (DNER)
Edwin R. Cruz, Esq. (Pietrantoní Méndez & Álvarez)

ATTACHMENT 1

EPA ADMINISTRATIVE COMPLIANCE ORDER NO. CWA-02-2020-3106 AMENDED PLAN

Estancias hereby respectfully proposes to implement, or cause its authorized representatives, contractors and consultants to implement, the following measures as necessary with respect to the findings alleged by the Environmental Protection Agency (“EPA”) in its Administrative Compliance Order No. CWA-02-2020-3106 (“the Order”), so as to comply with the relevant Ordered Provisions.

	Equipment or Task	Description of Work	Schedule (After Order)	Status
1	General	Work with independent, experienced wastewater technical consultants to provide technical advice regarding the Order, including the following:	Immediately.	Already in progress (as further detailed in the weekly reports).
		a. Pumps: Inspect and evaluate current condition of pumps and need for any repairs.		
		b. Electricity: licensed electrician to re-evaluate condition of electric equipment, including generator and transfer switch.		
		c. Wet wells (sump): Inspect and clean debris from sump.		
		d. Grinder: Inspect and evaluate current condition of the grinder.		
		e. Chamber and Bar Screens: inspection and cleanup of the chambers and bar screens.		
		f. Discharge pipe: inspect and evaluate current condition for status of any corrosion.		
		g. Exhaust Fan: inspect and repair, as necessary.		
		h. Transformers: inspect, clean and repair, as necessary.		
		i. Emergency generator: inspect and evaluate current condition.		
		j. Drainage valve from diesel dike: inspect and evaluate current condition.		
		k. Support for level floats: inspect and evaluate current condition.		
		l. Shaft and entrance valves: inspect and evaluate current conditions.		
		m. Valve box: inspect and clean if necessary.		

		n. Exterior lighting: inspect condition of luminaires and change, as necessary.		
		o. Fire extinguisher: inspect and confirm condition.		
		p. Dielectric carpet: inspect and confirm condition and any need for repairs.		
		q. Safety signage: verify condition and replace if necessary.		
2	General	Work with PRASA for it to investigate and address the technical confirmation of excess connections (40+ homes) to the Villa Alegria system.	Depending on PRASA's availability in light of the pandemic.	EPA has a legal obligation to include PRASA as an indispensable party to the ACO.
3	General	Work with PRASA for it to investigate and address the technical confirmation of excessive stormwater connections to the sewer collection systems.	Depending on PRASA's availability in light of the pandemic.	EPA has a legal obligation to include PRASA as an indispensable party to the ACO.
4	General	Work with PRASA for it to investigate and address the technical confirmation of groundwater inflow into the sewer collection systems.	Depending on PRASA's availability in light of the pandemic.	EPA has a legal obligation to include PRASA as an indispensable party to the ACO.
5	General	Work with PRASA to evaluate the effect of PRASA's acts and omissions related to the unauthorized increase in volume of wastewater being discharged into the Pump Facility.	Depending on PRASA's availability in light of the pandemic.	EPA has a legal obligation to include PRASA as an indispensable party to the ACO.
6	General	Work with PRASA to determine whether the pump station which it owns and operates in the Villa Alegria urbanization has adequate and functional grinders to break down debris which is transferred to the Pump Station.	Depending on PRASA's availability in light of the pandemic.	EPA has a legal obligation to include PRASA as an indispensable party to the ACO.
7	General	Work with PRASA for it to investigate what other, if any, sections/zones of the Cerro Gordo Ward are connected to PRASA's sewer collection system which discharges into the Pump Station.	Depending on PRASA's availability in light of the pandemic.	EPA has a legal obligation to include PRASA as an indispensable party to the ACO.
8	General	Submit to EPA a notification of each SSO at the Pump Facility within 24 hours of becoming aware of the event. This shall not include any event at PRASA's sewer collections systems.	From the date hereof until the completion of this Plan.	Estancias submitted clear and convincing evidence that there were no overflows from the Pump Facility of PRASA's collection system during the extraordinary rainfall under Tropical Storm

				Isais.
9	Permanent Power Supply (PREPA)	Secure a reliable power source. Work with LPCG Homeowners Association and the Puerto Rico Power Electric Authority ("PREPA") to secure the same.	Depending on PREPA's availability in light of the pandemic.	PREPA agreed to commence the process to open an account for LPCG HOA. In process; subject to COVID-19.
10	Alternate Power Unit	Engage a licensed electrician to evaluate the Emergency Power Plant.	Depending on contractor's availability in light of the pandemic.	In process; subject to COVID-19.
11	PRASA Matters	Continue engaging in transfer efforts with PRASA.	Depending on PRASA's availability in light of the pandemic.	In process; subject to COVID-19.
12	Miscellaneous matters with PRASA	Take affirmative steps to secure PRASA's disconnection of unauthorized residential units and/or other units from the sewer collection system which discharges into the Pump Station.	Depending on PRASA's availability in light of the pandemic.	In process; subject to COVID-19.

Reservation of Rights. If Estancias is unable to comply with the deadlines established in this Plan due to reasons beyond its reasonable control, said time period shall be automatically extended by the same number of days of said delay. Estancias shall also be able to extend said time period for good cause. Estancias will notify EPA in writing of said automatic extensions as soon as practicable.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Respectfully submitted in Dorado, Puerto Rico on this 7 day of August, 2020.


Hector Rivera
Estancias de Cerro Mar